

DAVID SENICK
1637 SUGAR LANE
KUNKLETOWN PA. 18058

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
CIVIL ACTION

PLAINTIFF

v.

CASE NUMBER: 3:21cv1439

NEWREZ LLC DBA
SHELLPOINT MORTGAGE SERVICES
5225 CROOKS ROAD
TROY MICHIGAN 48098-2823

NOTICE OF REMOVAL FROM
DISTRICT COURT 43-3-04 OF
MONROE COUNTY

DEFENDANT

PLAINTIFFS NOTICE OF REMOVAL

PLAINTIFF, DAVID SENICK BY AND THROUGH HIMSELF PRO-SE HEREBY GIVES NOTICE OF REMOVAL OF THIS ACTION TO THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, PURSUANT TO 28 U.S.C. §§ 1331 AND 1441(a). AS STATED BELOW, PLAINTIFF ASSERTS CLAIMS UNDER FEDERAL LAW, ALONG WITH OTHER CLAIMS. SUCH AS THE TELEPHONE CONSUMER PROTECTION ACT (TCPA), 47 U.S.C. § 227, AND THE FAIR DEBT COLLECTION PRACTICES ACT (FDCA) IS U.S.C. §§ 1692, et seq. THEREFORE, FEDERAL QUESTION JURISDICTION EXISTS HERE.

BACK GROUND

1. PLAINTIFF, DAVID SENICK FILED A COMPLAINT AT THE DISTRICT COURT 43-3-04 HONORABLE COLLEEN MANCUSO, ROUTE 209-SUITE 101 P.O. BOX 218, BROADHEADSVILLE PA. 18322 ON OR ABOUT JULY 21, 2021 CASE NO. CV-247-21, AGAINST DEFENDANT NEWREZ LLC SHELLPOINT MORTGAGE SERVICES 5225 CROOKS RD TROY MICHIGAN 48098-2823

A TRUE AND CORRECT COPY OF THE COMPLAINT IS ATTACHED HERETO AS EXHIBIT A AND INCORPORATED HEREIN BY REFERENCE.

2. IN THE COMPLAINT, PLAINTIFF ASSERTS CLAIMS FOR VIOLATIONS OF THE TCPA AND FDCA, AS WELL AS FOR BREACH OF CONTRACT.

3. DEFENDANT HAS BEEN PROPERLY SERVED BY THE DISTRICT COURT, ON OR ABOUT AUGUST 3, 2021. A TRUE AND CORRECT COPY OF CERTIFIED MAILING IS ATTACHED HERETO AS EXHIBIT B.

JURISDICTIONAL BASIS FOR REMOVAL

4. PLAINTIFF, ASSEATS THAT SHELLPOWTS CONDUCT VIOLATED FEDERAL LAW — THE TCPA, 47 U.S.C. § 227 AND THE FDCA, 15 U.S.C. §§ 1692, et seq. SEE GENERALLY COMPL.

5. THEREFORE, THIS ACTION IS REMOVABLE TO THIS COURT PURSUANT TO 28 U.S.C. § 1441(A) BECAUSE CLAIMS ASSERTED BY PLAINTIFF ARISE UNDER THE LAWS OF THE UNITED STATES, AND SUCH CLAIMS ARE WITHIN THE ORIGINAL JURISDICTION OF THIS COURT UNDER 28 U.S.C. § 1331.

6. ADDITIONALLY, THE COURT HAS SUPPLEMENTAL JURISDICTION OVER ANY STATE LAW CLAIMS, TO THE EXTENT ANY SUCH CLAIM EXISTS. 28 U.S.C. § 1367.

VENUE

7. VENUE IS PROPER IN THIS COURT PURSUANT TO 28 U.S.C. § 1441 (A) AND 1446(A) BECAUSE THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA EMBRACES THE PLACE WHERE THIS ACTION IS PENDING, MAGISTERIAL DISTRICT COURT 43-3-04 BROADHEADSVILLE PA. OF MONROE COUNTY

TIMELINESS OF REMOVAL

8. THE COMPLAINT WAS FILED ON JULY 21, 2021

9. THE DEFENDANT HAS BEEN SERVED AS THE SAME DATE OF THIS NOTICE OF REMOVAL.

PROCEDURAL REQUIREMENTS AND LOCAL RULES

10. THE NOTICE OF REMOVAL IS SIGNED PURSUANT TO FED. R. CIV. P. 11. SEE 28 U.S.C. § 1446(A)
11. AS REQUIRED BY 28 U.S.C. § 1446(D) COPIES OF THIS NOTICE ARE BEING SERVED ON DEFENDANT, AS WELL AS DISTRICT COURT 43-3-04.

WHEREFORE, PLAINTIFF HEREBY REMOVES THE ABOVE-CAPTIONED ACTION NOW PENDING BEFORE MAGISTERIAL DISTRICT COURT 43-3-04. TO THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, AND REQUEST THAT THIS COURT ASSUME FULL JURISDICTION OVER THIS CASE AS PROVIDED BY LAW.

DATED: AUGUST 16, 2021

David Senick PRO-SE

DAVID SENICK

1637 SUGAR LAKE

KUNKLETOWN PA. 18058

610-330-9015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON AUGUST 16, 2021, I CAUSED A COPY OF
THE FOREGOING NOTICE OF REMOVAL TO BE SERVED BY CERTIFIED
MAIL, AND OR PRIORITY MAIL, UPON THE FOLLOWING:

NEWREZ LLC

SHELLPOINT MORTGAGE SERVICES

5225 CROOKS ROAD

TROY MICHIGAN 48068-2823

BY DAVID SEWICK PRO-SE

1637 SUGAR LAKE

KUNKLETOWN PA. 18058

610-330-9015

TO OFFICE OF THE CLERK

SENICK

UNITED STATES DISTRICT COURT

V

WILLIAM J NEALON FEDERAL BLDG.

SHELLPOINT MORTGAGE SERVICES

DEAR PETER WELSH

ENCLOSED IS ORIGINAL COPY OF NOTICE OF REMOVAL DATED
AUGUST 16, 2021. ALSO ENCLOSED IS EXTRA COPY OF FACE PAGE AND
CERTIFICATE OF SERVICE ALONG WITH SELF STAMPED ENVELOPE.
PLEASE TIME STAMP AND RETURN. I THANK YOU FOR YOUR
VALUABLE TIME IN THIS MATTER.

ENCLOSED IS CHECK FOR 402.00 TO COVER COSTS.

SINCERELY YOURS

David Senick

DAVID SENICK 610-330-9015

1637 SUGAR LAKE

KUNKLETOWN PA. 18058

DATED: AUGUST 16, 2021

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